

Message Text

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ACTION EA-10

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FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 5825

INFO AMEMBASSY SINGAPORE

AMCONSUL MEDAN

AMCONSUL SURABAYA

C O N F I D E N T I A L JAKARTA 15384

EO 11652: GDS

TAGS: PINT PINS ID

SUBJ: JANUARY 15 DETAINEE YAP THIAM HIEN RELEASED

REF: A. STATE 019796 B. JAKARTA 1403

BEGIN SUMMARY: ACCORDING RPORTS IN KOMPAS DECEMBER 26, PROMINENT TRIAL LAWYER AND JANUARY 15 DETAINEE YAP THIAM HIEN WAS RELEASED FROM JAIL DECEMBER 24 AFTER BEING HELD FOR ELEVEN MONTHS WITHOUT CHARGE. EMBASSY HAD HEARD FROM SOURCE CLOSE TO DETAINEES SAME DAY THAT YAP AND LARGE GROUP OF DETAINEES WOULD BE RELEASED BEFORE JANUARY 15, 1975. END SUMMARY

1. YAP, AN OUTSPOKEN CIVIL LIBETARIAN AND RESPECTED ADVOCATE WHO HAS DEFENDED MANY CONTROVERSIAL CAUSES, WAS NOT CLOSELY ASSOCIATED WITH THE PRE JANUARY 1974 YOUTH PROTESTS, AND HIS DETENTION WAS THUS REGARDED AS PARTICULARLY EGREGIOUS. HIS CASE, LIKE HIS LAWYER COLLEAGUE BUYUNG NASUTION'S, HAS ATTRACTED SPECIAL ATTENTION AND NUMEROUS LETTERS WERE WRITTEN ON HIS BEHALF BY INDIVIDUALS ASSOCIATED WITH LEGAL, CIVIL LIBERTIES AND CHURCH GROUPS ABROAD(YAP IS AN ACTIVE PROTEDTENT).

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2. ACCORDING TO VERY BRIEF ANNOUNCEMENT OF YAP'S RELEASE, HE WILL RETURN TO THE PRACTICE OF LAW. THIS WILL NO DOUBT PROMOTE SPECULATION THAT YAP MAY BE ASKED TO DEFEND JANUARY 15 DETAINEES WHO MIGHT BE CHARGED IN FUTURE, ALTHOUGH HE MAY HAVE HAD TO AGREE NOT TO DO SO AS CONDITION FOR HIS RELEASE. INDEED, THERE WAS SPECULATION THAT ONE REASON FOR ARRESTING YAP WAS TO PUT HIM OUT OF CIRCULATION AS DEFENSE COUNSEL TO DETAINEES. (ACCORDING TO RELATIVES OF DETAINEES, HE COUNSELLED WITNESSES IN HARIMAN SIREGAR TRIAL WITH WHOM HE WAS DETAINED IN JAKARTA'S BUDI UTOMO PRISON).

3. LAWYER MULIA LUBIS, WHO IS CLOSE DETAINEES, TOLD EMBOFF BEFORE ANNOUNCEMENT OF YAP'S RELEASE THAT YAP AND LARGE GROUP OF DETAINEES, INCLUDING MANY STUDENTS AND ADNAN BUYUNG NASUTION, WOULD BE RELEASED BEFORE JANUARY 15. UNDER INDONESIAN LAW--AS ATTORNEY GENERAL HAS EXPLAINED IN PUBLIC--SUSPECTS MAY BE DETAINED WITHOUT CHARGE FOR ONE YEAR. THEREAFTER, THEY MUST BE CHARGED OR RELEASED. HOWEVER, LAW IS VAGUE AND GOVERNMENT COULD INTERPRET IT TO AUTHORIZE FURTHER DETENTION WITHOUT CHARGE IF IT WISHES TO CONTINUE TO HOLD DETAINEES, MOST OF WHOM WERE ARRESTED IN JANUARY 1974, BEYOND JANUARY 1975.

4. ACTION REQUESTED: SUGGEST DEPARTMENT ADVISE WHITNEY DEBEVOISE, CHAIRMAN OF INTERNATIONAL COMMISSION OF JURISTS, OF YAP'S RELEASE. DEBEVOISE QUERIED DEPARTMENT ABOUT YAP'S CASE LAST JANUARY 31(REF A,B). EA/IMS OR L/HR MAY WISH TO CONTACT OTHERS SUCH AS AMNESTY INTERNATIONAL AND NATIONAL COUNCIL OF CHURCHES, WHICH HAVE ALSO EXPRESSED INTEREST IN YAP'S CASE. TOUSSAINT

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